

<http://164.100.72.12/ncdrcprep/judgement/186121112211446125861714-2011.html>

Complaint Case No. CC/1714/2011

1. G.Gajendra, Aged about 62 years, S/o.late.L.Gurumurthy Reddy,
R/at No.1/1, Purushotham Road, Halasuru, Bangalore 560 008.

BEFORE:

PRESENT:

ORDER

Date of Filing : 15.09.2011

Date of Order : 30.11.2011

BEFORE THE II ADDITIONAL DISTRICT CONSUMER
DISPUTES REDRESSAL FORUM,
SESHADRIPURAM, BANGALORE – 560 020

Dated 30th day of November 2011

PRESENT

Sri. H.V.RAMACHANDRA RAO B.Sc.B.L.	President
Sri. BALAKRISHNA V. MASALI, B.A., LL.B.(SPL)	Member

COMPLAINT NO. 1714/2011

Mr.G.Gajendra,
Aged about 62 years,
S/o.late.L.Gurumurthy Reddy,
R/at No.1/1, Purushotham Road,
Halasuru,
Bangalore 560 008.
(In person)

..... Complainant

V/s.

Mr.Bhagavan,
State Public Information Officer &
Asst. Executive Engineer,
(Shivajinagar),
Bruhat Bangalore Mahanagara Palike
Behind Shivajinagar Bus Stand,

ORDER

(By the Member Sri. BALAKRISHNA V. MASALI,)

This complaint filed by the complainant under section 12 of the Consumer Protection Act, seeking direction to the OP to provide the required information as per the application filed by the complainant.

1. Brief facts of the case are that, the complainant submits that he had filed an application under 6(1) and (3) of the Right to information Act with the opposite party seeking the following information as on 29.07.2011 and has paid the requisite fee of Rs.10/- in the form of postal order.

a) Certified copy of the documents showing asphalting of Purusotham Road, BBMP Ward No.90, Halasuru from 01.01.2000 to 28.07.2011.

b) Certified copy of the Road history register maintained at Ward No.90 for Purushotham Road, Halasuru from 01.01.2000 to 28.07.2011.

c) Certified copy of the document showing the permission granted for Road Cutting for laying UGD and Cauvery Water Pipe line by BWSSB at Purushotham Road, BBMP Ward No.90, Halasuru from 01.01.2009 to 31.03.2011.

2. The complainant submits that the mandatory period for furnishing the requisite information under the Act is 30 days within which period the opposite party was required to furnish the information as sought for by the complainant. However, despite receipt of the application the opposite party remained silent without furnishing any information as required under the Act for reason best known and thus there has been gross deficiency of service on part of the opposite party. Wherefore the complainant prays that this Hon'ble Forum be pleased to pass an order directing the opposite party to provide the required information and grant compensation of sum of Rs.5000/-. Hence the complaint.

3. Notice was issued to the opposite party by RPAD notice served to the opposite party and not appeared. Hence placed exparty.

4. Affidavit evidence of the complainant filed, perused the affidavit evidence and documents and arguments heard.

5. The points that arise for our consideration are

A) Whether the complainant has proved deficiency in service on the part of the opposite party?

B) What order ?

6. Our answers,

A) Positive

B) As per the detailed order for the following

REASONS

7. Perused the complaint and documents. The complainant has filed an application under section 6(1)(3) of the Right to information Act with the opposite party on 29.07.2011 seeking direction to the opposite party to provide the required information as per the application filed by the complainant and complainant has paid the requisite fee of Rs.10/- in the form of postal order. The mandatory period for furnishing the requisite information under the Act is 30 days within which period the opposite party was required to furnish the information as sought for by the complainant. However, despite receipt of the application the opposite party remained silent without furnishing any information as

required under the Act. The complainant had availed of the services under the said Act for consideration by paying fee and had information under the Right to information Act which was not supplied to complainant which amounts to deficiency of service and there has been gross negligence and deficiency of service on the part of the opposite party who despite receipt of the applicant and upon payment of the requisite fee under the RTI Act. The opposite party has failed to furnish the required information within the mandatory period of 30 days. The opposite party wrote a letter dated 10.10.2011 to the Forum address stating that the said information is in the Shivajinagar Division Office, Bangalore. But it is the duty of the opposite party to get the information from the shivaji Nagar Division Office, and send the information to the complainant address. So it is not done by the opposite party. Thus there has been gross deficiency of service on the part of the opposite party. Therefore in our opinion the opposite party is directed to provide the required information to the complainant. In the result, we pass the following.

ORDER

1. The complaint is allowed in part.
 2. The opposite party is directed to provide the required information to the complainant within 45 days from the date of this order.
 3. The OP is also directed to pay Rs.2000/- to the complainant towards the cost of this litigation.
 4. Return the extra sets to the concerned parties as under regulation 20(3) of the consumer Protection Regulation 2005.
 5. Send copy of this Order to both the parties free of cost immediately.
- Pronounced in the Open Forum on this 30th day of November 2011.

MEMBER

PRESIDENT